

*Atty Docket: 210453US01 (4081-04401)**Patent***REMARKS/ARGUMENTS*****Status of Claims***

Claim 1, 3-4, 8-9, 17, 21, 25, 31, 39-40, and 43-44 have been amended.

Claims 26-30 and 32-36 have been canceled.

As such, claims 1-25, 31, and 37-53 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

***Specification***

Paragraph 1 of the specification has been amended to provide the application number for the related application.

***Information Disclosure Statement***

Applicants appreciate the Examiner's reminder regarding the duty of disclosure under 37 CFR 1.56 and note that an IDS was filed on August 30, 2005.

***Claim Rejections – 35 U.S.C. § 112 first paragraph rejections***

Claims 26-30 have been canceled, and therefore the rejection of claims 26-30 under 35 USC, first paragraph is now moot.

***Claim Rejections – 35 U.S.C. § 112 second paragraph rejections***

Claims 1-22, 25-31 and 37-53 stand rejected under 35 USC § 112, second paragraph as being indefinite. In general, Applicants respectfully traverse many of the rejections, but in an effort to substantively advance prosecution, have amended the claims as follows to address various non-substantive issues.

Claim 1 has been amended to correct punctuation as suggested by the Examiner and to clarify antecedent basis for the halide-containing compounds.

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Claim 3 has been amended to correct grammar. Applicants respectfully submit that corrosive compounds in the context of the present disclosure can be readily understood by persons skilled in the art.

Claims 4 and 8 have been amended to correct antecedent basis.

As to claim 9, Applicants respectfully submit that “remaining compositions” is clear in the context of the pending claims, and quite simply refers to the compositions remaining other than the composition comprising the chromium-containing compound and the non-halide metal alkyl.

Claims 17 and 21 have been amended as suggested by the Examiner.

Claim 25 has been amended to clarify terminology regarding the R groups.

Claims 26, 28, and 29 have been canceled, and the rejections thereof are now moot.

Claim 31 has been amended to use a conventional transitional phrase.

Claim 39 has been amended as suggested by the Examiner.

Claim 40 has been amended to clarify antecedent basis.

Claims 43 and 44 have been amended as suggested by the Examiner.

***Claim Rejections – 35 U.S.C. § 102 & 103***

Claims 26-30 have been canceled, and therefore the rejection of claims 26-30 as being anticipated by *Mimura* (US 6,337,297) is now moot.

Claims 1-24, 31 and 37-53 stand rejected under 35 USC §102(b) as being anticipated by *Reagan* (US 5,376,612). Applicants respectfully submit that *Reagan* does not provide a *prima facie* case of anticipation as to the pending claims. According to MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Reagan* does not teach or suggest each and every element recited in the pending claims. More specifically, *Reagan* does not teach or suggest

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abating water, acidic protons, or both from various catalyst components as is expressly recited in independent claims 1, 25 and 46. Likewise, *Reagan* does not teach or suggest that water, acidic protons, or both are abated from the catalyst or a component thereof as is expressly recited in independent claims 23, 24, and 31. Given that *Reagan* does not teach or suggest abating water from any of the catalyst components, *Reagan* therefore does not teach or suggest each and every element recited in the pending claims. Thus, claims 1-24, 31, and 37-53 are not anticipated by *Reagan*.

Claim 25 stands rejected under 35 USC §103(a) as being unpatentable over *Reagan*. Applicants respectfully submit that *Reagan* does not provide a *prima facie* case of obviousness as to the pending claims. MPEP 2142 requires that "the prior art reference must teach or suggest all the claim limitations" in order to establish a *prima facie* case of obviousness. As explained previously, Applicants respectfully submit that *Reagan* does not teach or suggest each and every limitation set forth in the pending claims. More specifically, claim 25 expressly recites abating water, acidic protons, or both from a catalyst component. *Reagan* does not teach or suggest abating water from any of the catalyst components, and therefore *Reagan* does not teach or suggest each and every element recited in the pending claims. Thus, claim 25 is not obvious in view of *Reagan*.

*Atty Docket: 210453US01 (4081-04401)**Patent***CONCLUSION**


Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections is respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated August 31, 2005 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: \_\_\_\_\_

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